

MORTEZA KARIMI, IN PRO PER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

MORTEZA BENJAMIN RAY KARIMI

Plaintiff,

vs.

GOLDEN GATE SCHOOL OF LAW, DEAN
ANTHONY NIEDWIECKI, in his official
capacity,

Defendants.

Case No.: 3:17-cv-05702-JCS

**PLAINTIFF'S NOTICE AND MOTION
FOR SANCTIONS FOR DEFENDANT'S
VIOLATION OF FEDERAL RULE OF
CIVIL PROCEDURE 5.2(a), [PROPOSED]
ORDER, EXHIBIT, AND
PLAINTIFF'S DECELERATION.**

DATE: August 31, 2018

Judge: Spero
Action Filed: July 21, 2018

NOTICE

TO ALL PARTIES AND COUNSEL OF RECORD:

1 TAKE NOTICE THAT at a time in August, 2018, that is convenient for the Honorable
2 Judge Spero, at the United States District Court, San Francisco, Courtroom G, the following motion
3 for sanctions will be heard.

4
5 **MOTION**

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7 FRCP 5.2 (a) reads,” Redacted Filings: Unless the court orders otherwise, in an electronic or
8 paper filing with the court that contains an individual's social-security number, taxpayer-
9 identification number, or birth date, the name of an individual known to be a minor, or a financial-
10 account number, a party or non-party making the filing may include only:

11 (1) the last four digits of the social-security number and taxpayer-identification number;

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13 (2) the year of the individual's birth;

14 (3) the minor's initials; and

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16 (4) the last four digits of the financial-account number.

17 Plaintiff motions for the Court to decide if FRCP 5.2 was violated by Defendant’s filing of
18 Plaintiff’s transcript, which is also a violation of FERPA, which shoes Plaintiff’s birthday by day,
19 month and year. Dkt # 29-18. Plaintiff also motions the Court to decide if the filing of Plaintiff’s
20 transcript was a violation of FERPA.

21
22 Plaintiff also moves for the Court to impose sanctions on the Defendant in the form of
23 awards to Court as well as awards to the Plaintiff. Plaintiff also moves to have the transcript sealed
24 IMMEDIATELY. Plaintiff moves for the Court to pay for monitoring of Plaintiff’s identity and
25 credit to ensure theft or fraud will be detected as soon as possible.
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Plaintiff also motions for the Court to order Defendant the immediate refund of Plaintiff's Fall 2017 tuition money plus interest. Plaintiff was kicked out of Golden Gate School of Law on September 14, 2017, only one month after school started. Plaintiff did not have any due process or hearing when he was kicked out and was only given it towards the end of the semester, effectively missing the semester, and therefore the year, with no official disciplinary status between September 14, 2017, and the beginning of December. Plaintiff had already prepaid for the whole semester which is about four months long. Further more, Defendant promised to refund Plaintiff's tuition if he agreed to withdraw. Plaintiff sent an email to Defendant, stating that he will withdraw from Golden Gate, on July 20, 2018 but received no response. As a condition of the loan, Plaintiff had to pay back the loan, plus interest, within six months of discontinuation of law school. It was only through the good will of Plaintiff's father that Plaintiff was able to pay of the loan with interest. Plaintiff's father loaned Plaintiff the money needed to pay off the loan.

MEMORANDUM OF POINTS AND AUTHORITIES

ISSUES TO BE DECIDED

Did Defendant violate FRCP 5.2 when it electronically filed Plaintiff's transcripts that contained Plaintiff's day, month, and year of birth? Did Defendant violate 20 U.S. Code § 1232g (FERPA) by making public Plaintiff's transcript?

FACTS

Defendant filed Plaintiff's Fall 2017 official law school transcript that contains Plaintiff's first and last name, day month, and year of birth, last four digits of his social security number, and other academic information. Dkt # 29-18. Plaintiff never gave consent for release of such information.

FRCP 5.2 (a) states that a filing may only contain the birth year of an individual.

1 Before electronic filing with the Court, on the CM/ECF filer login website, the filer must
2 check a box that states the filer will comply with the redaction rules and has read the notice above
3 the box. The material that must be redacted is listed in the notice above the box as well as the
4 relevant applicable statutes (Federal Rules of Civil Procedure 5.2 and Federal Rules of Criminal
5 Procedure 49.1). Next to the check box it reads, "I understand that, if I file, I must comply with the
6 redaction rules. I have read this notice." The website will not allow one to proceed to file without
7 checking the box.
8

9 Defendant proceeded to file Plaintiff's private information in total disregard of FRCP 5.2 as
10 well as the Court's warning on the CM/ECF web page, despite checking the necessary box that
11 affirms understanding of the rules.
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13 Golden Gate School of Law states that it abides by FERPA. Exhibit A. 20 U.S. Code §
14 1232g (b)(1) states, "(1) No funds shall be made available under any applicable program to any
15 educational agency or institution which has a policy or practice of permitting the release of
16 education records (or personally identifiable information contained therein other than directory
17 information, as defined in paragraph (5) of subsection (a)) of students without the written consent of
18 their parents to any individual, agency, or organization, other than to the following—".
19

20 Golden Gate School of Law accepts federal funds through FAFSA.

21 ARGUMENT

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23 Defendant filed Plaintiff's private and legally protected information, specifically, Plaintiff's
24 full date of birth and official law school transcript. Such information can be used for fraud, identity
25 theft, and many other criminal uses, besides being a violation of Plaintiff privacy and protected
26 information. Plaintiff must worry about the potential harm that could come from Defendant's
27 reckless publication of Plaintiff's private information. Plaintiff request's that the Court employ its
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1 inherent power to impose sanctions on Defendant. Defendant should pay a sanction to the Court as a
2 deterrent and a punishment as well as award Plaintiff for the anxiety, worry, and violation of his
3 privacy, as well as the pay for means to monitor Plaintiff's credit and security from fraud. Courts
4 take the privacy of litigants very seriously and are deeply concerned with private information being
5 made public by litigants. Allstate Ins. Co. v. Linea Latina De Accidentes, Inc., No. CIV. 09-3681
6 JNE JJK, 2010 WL 5014386, at *3 (D. Minn. Nov. 24, 2010). Sanctions that Plaintiff proposes have
7 been implemented by Courts before. Id.
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9 Golden Gate violated FERPA by releasing Plaintiff's personal identifiable information and
10 an educational record to the public. Not only did they release it, they willfully electronically filed it
11 to be made available to the public.
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17 DATED: July 21, 2018



MORTEZA BENJAMIN RAY
KARIMI
In Pro Per

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24 **[PROPOSED] ORDER**

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26 Upon finding Defendant in violation of Federal Rules of Civil Procedure 5.2,

27 IT IS HEREBY ORDERED THAT:
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1. Plaintiff's transcript Dkt # 29-18, which was filed by Defendant, shall be sealed.
2. Defendant shall pay a sanction of _____ to the Court.
3. Defendant shall award Plaintiff _____.
4. Defendant shall pay for security measures in regards to Plaintiff's identity protection and financial status.
5. Defendant shall immediately refund Plaintiff's tuition plus interest.

IT IS SO ORDERED

DATED: _____

Honorable Joseph C. Spero
Chef Magistrate Judge